

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ORDER  
06-CR-311A

THAMUD ELDRIDGE,

Defendant

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This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(A). Defendant filed a motion to suppress certain statements and physical evidence. On September 5, 2007, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendant's motion be denied.

Defendant filed objections to the Report and Recommendation on October 15, 2008. The government filed a response to defendant's objections on November 27, 2007. Oral argument on the objections was held on March 20, 2008.

The Court hereby refers the matter back to Magistrate Judge McCarthy for clarification and further proceedings. Specifically, the Magistrate Judge shall make a finding of fact as to whether the defendant pointed a gun at Officer White before he fled from the location of the van on East Ferry Street. The Magistrate Judge may conduct any additional proceedings he deems necessary to make

such a finding. The Magistrate Judge shall also reopen the hearing and allow the government an opportunity to introduce into evidence the gun that was recovered and the plastic bag in which the gun was allegedly wrapped when the police officers initially observed the defendant, provided the government can establish a proper foundation.

SO ORDERED.

s/ Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: March 31, 2008